IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17136 of 2004

Between:
1.Bussu Anjan Reddy S/o.Late Lakshma Reddy
R/o.Srinagar Village Maheswaram Mandal
Ranga Reddy District.
2.Smt.B.Vijaya Reddy W/o.B.Chenna Krishna Reddy
R/o.Flat No.401, Sivananda Apartments Central Excise Colony
Amberpet, Hyderabad.

..... PETITIONERS

AND

1 The Station House Officer, Pahadisharieff Police Station
Ranga Reddy District.
2 The Circle Inspector of Police, Pahadisharieff Police Station
Ranga Reddy District.
3 The Mandal Revenue Officer, Maheswaram Mandal
Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order or direction or writ mostly one in the nature of a writ of Mandamus declaring the action of the respondents 1 and 2 in interfering with the construction activity of retail petrol pump outlet by the petitioners at the land admeasuring 1 acre in Sy.No.34 of Imamguda Village and Sy.Nos.5 and 6 of Srinagar Village, Maheswaram Mandal of Ranga Reddy District as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and direct the respondents to forbear from any such interference with the construction and commissioning of the Retail Petrol pump.

Counsel for the Petitioners : MR.P.VEERA REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

The petitioners are seeking a declaration that the action of respondents 1 and 2 in interfering with the construction activity of retail petrol pump outlet being carried on by them at the land situated in Survey No.34 of Imamguda village and Survey Nos.5 and 6 of Srinagar village, Maheswaram Mandal, Ranga Reddy District, is arbitrary and illegal.

It is not in dispute that the third respondent herein by letter dated 25.08.2004, directed the Station House Officer, Maheshwaram P.S., Pahadisharieff, Ranga Reddy District, to take necessary action in view of the orders of the Revenue Divisional Officer dated 16.08.2004, directing to maintain status quo. Obviously, the respondents 1 and 2 are taking steps in pursuance of the said orders of the Mandal Revenue Officer under the letter dated 25.08.2004.

The learned counsel for the petitioners vehemently contends that though it is true that the Revenue Divisional Officer during the pendency of the appeal under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, by order dated

16.08.2004 directed to maintain status quo, subsequently by order dated 15.09.2004 the appeal was finally disposed of and it was remanded to the Mandal Revenue Officer and therefore the order of status quo does not survive and the directions issued by the Mandal Revenue Officer in his letter dated 25.08.2004 are unsustainable. The learned counsel submits that though the petitioners sought for a clarification from the Mandal Revenue Officer, the same was not considered and in the meanwhile, respondents 1 and 2-Police Officials are interfering with the construction activity being carried on by the petitioners.

Since, admittedly, there is a direction by the Mandal Revenue Officer requesting the Station House Officer to take appropriate action for stopping the construction, it cannot be held that the alleged action of the respondents in not allowing the petitioners to proceed with the construction is arbitrary or illegal and the relief as prayed for cannot be granted.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioners to approach the Mandal Revenue Officer seeking necessary modification/clarification with regard to the directions issued by him to the first respondent on 25.08.2004. If any such application is made by the petitioners, the second respondent-Mandal Revenue Officer shall

consider the same and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of the application from the petitioners.

No costs.

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23.09.2004

Note: Issue CC in two days

(b/o)

VGB

To

1 The Station House Officer, Pahadisharieff Police Station
Ranga Reddy District.
2 The Circle Inspector of Police, Pahadisharieff Police Station
Ranga Reddy District.
3 The Mandal Revenue Officer, Maheswaram Mandal
Ranga Reddy District.
4 2CCs to the Government Pleader for Home, High Court Buildings,
Hyderabad (OUT)
5 2CD copies